

Exhibit 5

SUSMAN GODFREY L.L.P.



Michael Gervais

Associate

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Overview

Michael Gervais is a skilled and accomplished trial lawyer who represents both plaintiffs and defendants in all types of high stakes commercial litigation. Gervais has amassed an impressive collection of litigation victories and favorable settlements for clients who vary from Fortune 500 industry leaders to classes of unfairly treated plaintiffs in several national high profile lawsuits.

Gervais worked alongside Managing Partner, Neal Manne, Partner Lexie White, and Partner Joseph Grinstein representing a class of indigent misdemeanor arrestees pro bono in a landmark case to challenge the money bail scheme in Harris County, Texas. Along with Civil Rights Corps and the Texas Fair Defense Project, Gervais's work helped secure a sweeping preliminary injunction from a Houston federal judge, who struck down Harris County, Texas' money bail system. The decision focused national attention on the countrywide practice of jailing poor people because they are unable to afford bail when arrested for minor offenses and has been covered by national outlets such as [*The New York Times*](#), [*The Houston Chronicle*](#), and [*Lawdragon*](#).

In another high profile class action, Gervais worked alongside Partners Kalpana Srinivasan, Steven Sklaver and Steve Morrissey representing Flo & Eddie, members of the 1960's rock group The Turtles, in addition to a class of copyright owners in a case against Sirius XM. In this landmark case it was established under California law, that these owners of sound recordings from before 1972 have the exclusive right to perform those recordings. Under a groundbreaking settlement, Sirius XM agreed to pay at least \$25.5 million (over \$16 million after fees and expenses) and royalties under a 10-year license that is valued up to \$62 million (over \$41 million after fees and expenses) as compensation for publicly performing without a license Pre-1972 sound recordings. The settlement was [*approved by the Court*](#), and has received widespread media coverage from publications such as [*The New York Times*](#), [*Billboard*](#), [*The Hollywood Reporter*](#), [*Law360*](#), [*Rolling Stone*](#), [*Variety*](#), [*Reuters*](#) and [*Managing IP*](#).

Before joining Susman Godfrey, Gervais served as a clerk at both the Supreme Court of the United States and in the Ninth Circuit U.S. Court of Appeals. These experiences have given him a unique perspective and a valuable background that supports the success he brings his clients in federal, district and state courts as well as in arbitration and at every level of litigation.

Admitted only in New York; not admitted in California.

Practicing under the supervision of the partnership of Susman Godfrey L.L.P.

Education

- Yale Law School (J.D.)
- American University (B.A., International Studies, *summa cum laude*)

Judicial Clerkship

Law Clerk to the Honorable Stephen Breyer, Supreme Court of the United States

Law Clerk to the Honorable Alex Kozinski, United States Court of Appeals for the Ninth Circuit

Honors and Distinctions

Senior Editor, Yale Journal of International Law

Research Assistant to Professor W. Michael Reisman

Current Representations

ODonnell et al. v. Harris County, et al.

In this landmark constitutional case coming out of Harris County, Texas, Gervais was part of a team that won a landmark ruling in 2017, and was later affirmed in 2018, by the U.S. Court of Appeals for the Fifth Circuit, that the system of cash bail used in Harris County, Texas, violated the Due Process and Equal Protection rights of the thousands of misdemeanor arrestees. Gervais served on this case pro bono and was an active and critical part of the team leading up to and during trial.

PDVSA US Litigation Trust v. Lukoil Pan Americas LLC et al.

Along with Neal Manne, Alex Kaplan and Michael Kelso, Gervais is currently defending energy-trading companies Vitol Inc. and Vitol S.A. against statutory claims brought by the PDVSA US Litigation Trust.

Previous Representations

Flo & Eddie v. Sirius XM

Gervais served on a team from Susman Godfrey that was co-lead counsel to Flo & Eddie (the founding members of 70's music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. Flo & Eddie settled with Sirius XM on behalf of the class in a deal worth up to \$73 million and approved by the Court in May 2017.

Professional Associations and Memberships

New York State Bar